

SUBJECT: PUBLIC HEARING BEFORE THE GALLATIN COUNTY COMMISSION TO CONSIDERATION ADOPTION OF A RESOLUTION APPROVING AMENDMENTS TO THE GALLATIN COUNTY SUBDIVISION REGULATIONS SECTION 14.I.3

HEARING

DATE: OCTOBER 6, 2009

The Gallatin County Commission will consider the following amendments to the Gallatin County Subdivision Regulations regarding exemptions from subdivision review approval procedures and criteria, as addressed under Section 14.I.3 of the Gallatin County Subdivision Regulations. Deletions to the text are shown as ~~strikeout~~, while additions to the text are shown as underline.

I. Relocation of Common Boundary Lines.

Divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties, and divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision.

1. The proper use of the exemption for relocating common boundary lines is to:
 - a. Establish a new boundary between adjoining parcels of land, without creating an additional parcel; or
 - b. Establish a new common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.
2. Certificates of Survey showing the relocation of common boundary lines must be accompanied by:
 - a. A deed(s) exchanging recorded interest from every person having a recorded interest in adjoining properties for the entire newly-described parcel(s) that are acquiring additional land; and
 - b. Documentation showing the need or reason for the relocation (for example: structure encroachment or surveyor error).

- ~~3. A rebuttable presumption exists when a proposed relocation of common boundary lines is adopted for the purpose of evading the Act, if:~~
- ~~a. The Commission determines that the documentation submitted according to this section does not support the stated reason for relocation or created an additional parcel, and/or~~
- ~~b. The Certificate of Survey for the relocation of common boundary lines significantly rearranges multiple parcels with little or no resemblance to the original configuration of the parcels.~~
3. The Commission shall determine whether the applicant's claim for exemption has the purpose of evading the Montana Subdivision and Platting Act based on evidence presented by the applicant and any other person. In order to do so, the Commission shall evaluate all relevant circumstances including:
- a. whether the applicant is in the business of dividing and selling land;
- b. whether the applicant has engaged in prior exempt transactions involving the tract;
- c. the proposed configuration of the tract after the allegedly exempt transactions are completed; or
- d. any other relevant circumstances.